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shall after his death he held by his widow and children exempt as before. Where the householder owed the same debts when he died that he owed when the homestead was claimed, the widow cannot be divested of her statutory privilege by the paying off of the debts by the heirs of the householder. Nor will such result attach when the land has been sold for taxes, but no claim as purchaser has been asserted by the State or city. If payment of the taxes be made, the full statutory homestead rights of the widow will be recognized and enforced. *Davis v. Davis* (Va.), 43 S. E. 358.

CONSTITUTIONAL LAW—PUBLIC SCHOOL TEACHERS—SALARIES—PENSIONS.—An act providing for the deduction of a percentage from the salaries of public school teachers to provide a pension fund for their benefit is held, in *Hubbard v. State ex rel. Ward* (Ohio), 58 L. R. A. 654, to be unconstitutional either for lack of uniformity, or as a taking of private property from one citizen for the benefit of another.

A rule of a board of education providing for a deduction of 1 per cent. from the salaries of all teachers to be paid into a fund for the purpose of providing annuities for teachers becoming incapacitated by reason of long service, is held, in *State ex rel. Jennison v. Rogers* (Minn.), 58 L. R. A. 663, to be unauthorized and void.

JUDGMENT—BAR TO SUBSEQUENT ACTION—SHERIFFS—FALSE IMPRISONMENT—WRONGFUL LEVY.—A satisfied judgment against the complaining witness, magistrate, and constable for false imprisonment under void proceedings is held in *Blackman v. Simpson* (Mich.), 58 L. R. A. 410, to bar a subsequent action against the sheriff in whose custody defendant was placed, although the first suit covered only the time until defendant reached the sheriff's custody, while the second one seeks damages for the period from that time until his release.

An unsatisfied judgment in replevin against a sheriff for wrongful seizure of property under execution is held, in *Woodworth v. Gorsline* (Colo.), 58 L. R. A. 417, not to be a bar to a subsequent action in trover to recover the value of the property from those who executed the indemnity bond.

With these cases is a note collating the authorities on effect of judgment against one joint tort feasor upon liability of the other.

In *Peticolas v. City of Richmond*, 95 Va. 456, 3 Va. Law Register, 803, a judgment, whether satisfied or not, against one of several joint trespassers was held a bar to any action against the co-trespassers.

CONTRACTS—BREACH—ELECTION OF REMEDIES.—A suit in equity for specific performance of a contract cannot be sustained where the plaintiff has already prosecuted to judgment a common law action for damages, even though the damages ascertained by such judgment were nominal. *Slaughter v. La Compagnie Francaise Des Cables Telegraphiques* (C. C. A., 2d Cir.), 119 Fed. 588. Citing *Rogers v. Vosburgh*, 4 Johns. Ch. 84; *Livingston v. Kane*, 3 Johns. Ch. 221; *Connihan v. Thompson*, 111 Mass. 270.

Per Lacombe, Circuit Judge:

"Modern practice does not allow a party to bring an action at law, not for damages, but to establish some single issues in the controversy, such as validity of